

The Honorable Ronald B. Leighton

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

ANDRE THOMPSON, a single man; and
BRYSON CHAPLIN, a single man,

Plaintiffs,

V.

CITY OF OLYMPIA, a municipal corporation and local government entity; and RYAN DONALD and "JANE DOE" DONALD, individually and the marital community comprised thereof,

Defendants.

No. 3:18-cv-05267-RBL

**STIPULATION BY PARTIES AS TO
WITNESSES / EXHIBITS /
EVIDENTIARY ISSUES FOR TRIAL**

Now come the parties in the above-captioned matter, and hereby stipulate to the authenticity and admissibility of the Exhibits set forth below. This stipulation will obviate the need to call a number of foundational witnesses during the trial.

Name / Exhibit No.	Relevant Witness
Videos of evidence at scene of incident (Exhibit 106)	Ray Brady (will no longer need to testify for Plaintiffs)
Brady Report (Exhibit 291)	
(Exhibit 284) Mathew's notes with redactions	Dave Mathews may no longer testify for Plaintiffs
Transcript of Interview (Exhibit 269)	James Ambrose
Witness Interview Transcript – Ilya Bonel 5.21.15 (Exhibit A489) (Exhibit 290)	Ilya Bonel
Witness Interview Transcript – John Lyell 5.21.15 (Exhibit A492) (Exhibit 283)	John Lyell

STIPULATION BY PARTIES AS TO WITNESSES /
EXHIBITS / EVIDENTIARY ISSUES FOR TRIAL - 1
3:18-cv-05267-RBI

	Name / Exhibit No.	Relevant Witness
1	Witness Interview Transcript – Janice Lyell (Exhibit A491) (Exhibit 282)	Janice Lyell
2	Witness Interview Transcript – (Exhibit 293) Lynda Sulen 5.27.15 (Exhibit A493)	Lynda Sulen
3	Witness Interview Transcript – James Stewart 5.21.15 (A494) (Exhibit 292)	James Stewart
4	Witness Interview Transcript – Mikki Brandell 5.21.15 (Exhibit A490) (Exhibit 271)	Mikki Brandell
5	Andre Thompson Blood Alcohol Report, Exhibit A53	Chris Strode, St. Peter's witnesses (Will no longer need to testify for defense; Plaintiffs may still call Dr. Strode)
6	Bryson Chaplin Blood Alcohol Report, Exhibit A86	Bruce Lincoln/St. Peter's Witnesses (will no longer need to testify for defense)
7	All exhibits and report related to Barber (Exhibits 142, 143, 144, 145, 146, 147, 148, 149, 225, 226, 231, 233, 263)	Margaret Barber (Will not testify for Plaintiffs)
8	All exhibits and report related to Weber (Exhibits 296 and 297)	Sarah Weber (Will not testify for Plaintiffs)
9	DOT animation Exhibit A473, A496	Louis Cheng
10	Dr. Lacy deposition photo, Exhibit A495	Dr. Lacy
11	Officer Hinrich's transcript of interview (Exhibit 264)	Officer Hinrich will not testify for Plaintiffs
12	Officer Sola's transcript of interview (Exhibit 265)	Officer Sola will not testify for Plaintiffs
13	Officer Seig's transcript of interview (Exhibit 266)	Officer Seig will not testify for Plaintiffs
14	Officer Frailey's transcript (Exhibit 267)	Officer Frailey will not testify for Plaintiffs
15	Officer Smith's transcript (Exhibit 268)	Officer Smith will not testify for Plaintiffs
16	Nurse Grib's report redacted (Exhibit 274)	Nurse Grib will not testify for Plaintiffs
17	Evergreen State Campus Security Officer Tyson Forrest's report (Exhibit 277)	Tyson Forrest will not testify for Plaintiffs

The parties further stipulate that the jury will be informed of the following:

After May 21, 2015, the Thurston County Prosecutors' Office charged Bryson Chaplin and Andre Thompson each with two counts of Assault in the Second Degree with a

1 deadly weapon. Subject to ruling by the Court, the jury may be informed/instructed that
2 Bryson Chaplin was charged with assault against Tammy Browne and theft.

3 Count 1 alleged that Bryson Chaplin and Andre Thompson assaulted Officer Ryan
4 Donald with a deadly weapon at the event which occurred at the back of the patrol car. Count
5 2 alleged that Bryson Chaplin and Andre Thompson assaulted Officer Ryan Donald with a
6 deadly weapon at the event which occurred at the edge of the woods.

7 The jury was also advised if, after full and careful deliberation on these charges, the
8 jury was not satisfied beyond a reasonable doubt that Bryson Chaplin and/or Andre
9 Thompson were guilty of Assault in the Second Degree, the jury should consider whether
10 Chaplin and/or Thompson were guilty of the lesser crime of Assault in the Third Degree on
11 both counts.

12 The burden in this criminal case was beyond a reasonable doubt. Thus, in the
13 Plaintiffs' criminal case, the State had to prove each element of each offense beyond a
14 reasonable doubt. In this criminal case, Bryson Chaplin and Andre Thompson were presumed
15 innocent. This presumption continues throughout the entire criminal trial unless during the
16 jury's deliberations it found that it had been overcome by the evidence beyond a reasonable
17 doubt. The jury in this criminal case was required to be unanimous as to the question of
18 whether Bryson Chaplin were guilty or not guilty on all counts.

19 The jury in this criminal case was unable to reach a verdict on Assault in the Second
20 Degree and the lesser crime of Assault in the Third Degree on Count 1 for Chaplin and
21 Thompson, and a mistrial was declared.

22 The jury in this criminal case was unable to reach a verdict on Assault in the Second
23 Degree for Chaplin and Thompson on Count 2. The jury did unanimously decide that Bryson
24 Chaplin and Andre Thompson were guilty of the lesser crime of Assault in the Third Degree
25 which is a felony in the State of Washington.

26 To convict Chaplin and Thompson of Assault in the Third Degree, the State had to
27 prove beyond a reasonable doubt the following elements:

1. That on or about May 21, 2015, Chaplin or Thompson assaulted Ryan Donald;
2. That at the time of the assault, Ryan Donald was a law enforcement officer
3. who was performing his duties; and
3. That the acts occurred in the State of Washington.

4 "Assault" was defined as:

5 An assault is an intentional touching or striking of another
6 person that is harmful or offensive regardless of whether any
7 physical injury is done to the person. A touching or striking is
8 offensive if the touching or striking would offend an ordinary
person who is not unduly sensitive.

9 An assault is also an act done with intent to inflict bodily injury
10 upon another, tending but failing to accomplish it and
11 accompanied with the apparent present ability to inflict the
bodily injury if not prevented. It is not necessary that bodily
injury be inflicted.

12 An assault is also an act done with the intent to create in
13 another apprehension and fear of bodily injury, and which in
fact creates in another a reasonable apprehension and imminent
14 fear of bodily injury even though the actor did not actually
intend to inflict bodily injury.

15 Subject to ruling by the Court, the jury in this trial may be informed/instructed that the jury
16 in the criminal case further found Bryson Chaplin guilty of assault of Tammy Browne.
17 Bryson Chaplin pled guilty to three counts of theft in the 3rd degree based on him stealing
18 beer from Safeway.

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DATED: September 19, 2019

1 KEATING, BUCKLIN & McCORMACK, INC., P.S.
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4 By: /s/ Andrew Cooley
5 Andrew Cooley, WSBA #15189
6 Kimberly J. Waldbaum, WSBA #31529
7 *Attorneys for Defendants*

8 801 Second Avenue, Suite 1210
9 Seattle, WA 98104
10 Phone: (206) 623-8861
11 Fax: (206) 223-9423
12 Email: acooley@kbmlawyers.com
13 Email: kwaldbaum@kbmlawyers.com

14 DAVIES PEARSON PC

15 By: /s/ Monte Bersante
16 Monte Bersante, WSBA #17083
17 Brian M. King, WSBA #29197
18 *Attorneys for Plaintiffs*

19 920 Fawcett
20 PO Box 1657
21 Tacoma, WA 98401-1657
22 Email: mbersante@dpearson.com
23 bking@dpearson.com

24 THE LAW OFFICE OF SUNNI KO

25 By: /s/ Sunni Y. Ko
26 Sunni Y. Ko, WSBA #20425
27 *Attorney for Plaintiffs*

1105 Tacoma Ave S
Tacoma, WA 98402-2031
Email: ko@sunnikolaw.com

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2019, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorneys for Plaintiffs

Monte Bersante, WSBA #17083
Brian M. King, WSBA #29197
DAVIES PEARSON PC
920 Fawcett
PO Box 1657
Tacoma, WA 98401-1657
Email: mbersante@dpearson.com
bking@dpearson.com
mlucente@dpearson.com

Attorney for Plaintiffs

Sunni Y. Ko, WSBA #20425
THE LAW OFFICE OF SUNNI KO
1105 Tacoma Ave S
Tacoma, WA 98402-2031
Email: ko@sunnikolaw.com

DATED: September 19, 2019

/s/ Andrew Cooley

Andrew Cooley, WSBA #15189
Attorney for Defendants
801 Second Avenue, Suite 1210
Seattle, WA 98104
Phone: (206) 623-8861
Fax: (206) 223-9423
Email: acooley@kbmlawyers.com